



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
ERIC HSUEH,

Plaintiff,

-v-

THE BANK OF NEW YORK,

Defendant.
----- x

05 Civ. 5345 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On October 31, 2005, the Honorable Andrew J. Peck, United States Chief Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned case recommending that defendant's motion to dismiss be granted with prejudice on the grounds that plaintiff's disability discrimination claims are barred by a valid release.

After the Report issued, plaintiff submitted an objection dated November 4, 2005, to which defendant submitted a reply dated November 23, 2005. Having considered the matter de novo, the Court finds itself in total agreement with the reasoning set forth in the Report, which the Court hereby adopts by reference with one exception.¹ Accordingly, the defendant's motion to dismiss is hereby granted and the action is dismissed with prejudice. Clerk to enter judgment.

SO ORDERED.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
SEPTEMBER 26, 2006

¹In response to separate objections from plaintiff and defendant, the case caption is hereby amended to read "Eric Hsueh v. The Bank of New York."